

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
BYRON CHEMICAL COMPANY, INC.

Plaintiff(s),

- v -

CIPLA LIMITED

Defendant(s).
-----X

[PROPOSED]
INITIAL SCHEDULING ORDER

16 CV 6201 (KAM) (PK)

Upon consent of the appearing parties and their counsel, it is hereby **ORDERED** as follows:

1. REQUIRED ACTION BEFORE THE INITIAL CONFERENCE

(except for cases with pro se litigants)

- a) The parties conferred pursuant to Federal Rule of Civil Procedure 26(f) on May 22, 2017 (this date must be at least five (5) business days before the Initial Conference).
- b) Automatic disclosures required by Rule 26(a)(1) of the Federal Rules of Civil Procedure were completed on May 22, 2017.

2. MOTIONS

- a) Defendant(s) shall answer or otherwise move with respect to the complaint by _____, 2017. (Check here if already done: ☒)
- b) No additional parties may be joined after June 19, 2017. By this date, the parties may either stipulate to the addition of new parties or begin motion practice for joinder in accordance with the Individual Practice Rules of the District Judge assigned to this case.
- c) No other amendment of the pleadings will be permitted after June 30, 2017 unless information unknown to the parties

by this date later becomes available to them. By this date, the parties may either stipulate to amendments of the pleadings or begin motion practice for leave to amend the pleadings in accordance with the Individual Practice Rules of the District Judge assigned to this case.

3. DISCOVERY

Discovery deadlines will not be extended unless the party seeking the extension makes a compelling showing that discovery could not be completed because of unforeseeable circumstances beyond that party's control.

a) *Fact Discovery*

- i. Initial document requests and interrogatories will be served no later than June 15, 2017. If the parties intend to issue interrogatories, they will serve no more than 25 interrogatories. The presumptive cap on the number of interrogatories is **twenty-five (25)**, including subparts.
- ii. **Treating physicians** who may be called as witnesses, including as expert witnesses, should generally provide their reports or summaries and be deposed during the fact discovery period.
- iii. Fact discovery closes October 19, 2017, 2017.

b) *Expert Discovery*

- i. The names, qualifications, and area of expertise of experts to be introduced in a party's case-in-chief must be served on or before November 19, 2017.
- ii. Case-in-chief expert witness reports must be served on or before December 19, 2017.
- iii. Rebuttal expert witness reports must be served on or before January 2, 2018.
- iv. Deposition of all experts must be completed on or before February 19, 2018.

- b) A discovery status ☐ telephone/☐ in person conference is scheduled for _____, 201_ at _____ .m. If a telephone conference, the call is to be initiated by ☐ Plaintiff(s)/☐ Defendant(s) to Chambers at 718.613.2400 once all parties are on the line. A joint discovery status letter must be filed on ECF by _____, 201_ in preparation for the conference.

This scheduling order may be altered or amended only upon a showing of good cause based on circumstances not foreseeable as of the date of this order.

SO ORDERED:

PEGGY KUO
United States Magistrate Judge

Dated: Brooklyn, New York
May 22, 2017


CONSENTED TO BY COUNSEL:

Attorney for Plaintiff(s)

Attorney for Defendant(s)

Signature:

Signature:



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